

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

AERO MARINE ENGINE, INC.,
Plaintiff,

Civil No. 05-1469-AS

v.

O R D E R

TRANSPORTER, INC., a Nevada
Corporation; CRAIG DELLA PENNA; and
DANIEL H. WERNER,
Defendants.

HAGGERTY, Chief Judge:

Magistrate Judge Ashmanskas issued a Findings and Recommendation [119] in this action recommending that the motion from defendants Penna and Werner against plaintiff's Complaint [84] should be GRANTED IN PART AND DENIED IN PART AS FOLLOWS: Aero Marine's Second Cause of Action (Racketeering) and Fourth Cause of Action (Securities Fraud) should be DISMISSED; Aero Marine should be granted leave to file an Amended Complaint alleging violations of Oregon securities law; and the remainder of Della Penna and Werneer's motion should be DENIED in all other respects (with leave to renew).

No objections were filed, and the case was referred to this court, pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Campbell v. United States Dist. Court*, 501 F.2d 196 (9th Cir. 1974).

No clear error appears on the face of the record. This court adopts the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Magistrate Judge's Findings and Recommendation [119] is adopted. The motion from defendants Penna and Werner against plaintiff's Complaint [84] is GRANTED IN PART AND DENIED IN PART AS FOLLOWS: Aero Marine's Second Cause of Action (Racketeering) and Fourth Cause of Action (Securities Fraud) is DISMISSED; Aero Marine is granted leave to file an Amended Complaint alleging violations of Oregon securities law; and the remainder of Della Penna and Werneer's motion is DENIED in all other respects (with leave to renew).

IT IS SO ORDERED.

Dated this 21__ day of July, 2006.

/s/Ancer L.Haggerty

Ancer L. Haggerty
United States District Judge